IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.29043 of 1997

Dated: February 14, 2007

Between:

N. Prasada Reddy, S/o. Veera Reddy, aged about 35 years, Occ: Govt. Service, R/o. H.No.12-59/1, Sree Ramakrishnapuram, Saroornagar (M), R.R. District, and others.

... Petitioners

And

Inspector General of Registration & Stamps, Door No.1-7-10, NBK Estate, Golconda X Road, Musheerabad, Hyderabad, and another.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to direct the respondents to admit documents for registration in respect of plots bearing Nos.105, 108 and 111 in Sy.No.9/1/F of Saroornagar village.

2. Petitioners claim to be owners and possessors of Plot Nos.105, 108 and 111 respectively, in the aforesaid survey number and village, Ranga Reddy District, having purchased the

same from one Sri Valluru Venkateswarlu through registered sale deeds. When they approached the Sub-registrar, Saroornagar, the second respondent herein, and presented documents for getting the lands registered, the same were not taken into account for registration on the ground that the Inspector General of Registration and Stamps, the first respondent herein, issued instructions in proceedings dated 30-03-1991 and 25-06-1992, not to register documents relating to the aforesaid survey number.

3. The validity of such instructions came to be questioned before this court in number of cases, wherein this court has directed the authorities concerned to register the documents presented before them, without reference to the said instructions. A copy of the order passed by this court in one such case, in W.P.No.26626 of 1995 dated
16-06-1997, has been filed by petitioners along with the material papers.

4. It is also relevant to state that the State of Andhra Pradesh by A.P. Act No.4 of 1999 inserted Section 22-A into the Registration Act, 1908 with effect from 1.4.1999, which empowers the State Government by notification in the Official Gazette to declare registration of any document or class of documents as opposed to public policy, and, under sub-section (2), the registering officer, notwithstanding anything contained in the Registration Act, is empowered to refuse to register the document of which notification is issued in sub-section (1) of Section 22-A of the Act. When similar such amendment was made to the Act by

the State of Rajasthan, the same was questioned before the Rajasthan High Court which declared Section 22-A of the Act as unconstitutional and quashed notifications issued in terms thereof holding that Section 22-A confers arbitrary powers on the State Government to determine as regards declaring a particular document being opposed to public policy and that the provision impugned before it invades the right of a citizen to deal with his property, and, on appeal to the Honourable Supreme Court, the Apex Court in **State of Rajasthan v. Basant Nahata**[1] affirmed the decision of the Rajasthan High Court and held that whether registration of a document is opposed to public policy or not is a matter, which can be examined by the courts and not by the Sub-Registrar, and, Section 22-A is ultra vires Articles 14 and 246 of the Constitution of India and is, therefore, unconstitutional.

5. In this case, it is stated that the documents are not accepted for registration only on the ground that the Inspector-General of Registration and Stamps has issued instructions in that regard. Under the Scheme of the Act and in view of the judgments referred to supra, the Inspector-General of Stamps and Registration is not empowered to issue any such instructions.

6. For the reasons aforementioned, I dispose of the writ petition directing the respondents to accept and register the documents, if any, presented by the petitioners without reference to the instructions issued by the Inspector-General of Stamps and Registration in the proceedings dated 30-03-1991 and 25-06-1992 if the said documents are in accordance with the provisions of the

Registration Act. No costs.

JUSTICE R. SUBHASH REDDY.

February 14, 2007
MRR

[1] 2005 (6) SCJ 552